
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Peak Wireless Services, LLC
Licensee of Radio Station WPMM833
Salt Lake City, UT

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File No. EB-11-DV-0078
NOV No. V201232800021

NOTICE OF VIOLATION

Released: March 21, 2012

By the District Director, Denver District Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's Rules,¹ to Peak Wireless Services, LLC (Peak Wireless), licensee of radio station WPMM833 in Salt Lake City, UT.

2. On February 15, 2012, an agent of the Enforcement Bureau's Denver District Office monitored 463.625 MHz, associated with call sign WPMM833, and observed the following violations:

- a. 47 C.F.R. § 90.425(a): "Except as provided for in paragraphs (d) and (e) of this section, each station or system shall be identified by the transmission of the assigned call sign during each transmission or exchange of transmissions, or once each 15 minutes (30 minutes in the Public Safety Pool) during periods of continuous operation." At the time of the investigation, the agent monitored 463.625 MHz, associated with WPMM833, and observed that during periods of continuous operation the station did not transmit the assigned call sign every 15 minutes.
- b. 47 C.F.R. § 90.187(b): "Trunked systems operating under this section must employ equipment that prevents transmission on a trunked frequency if a signal from another system is present on that frequency. The level of monitoring must be sufficient to avoid causing harmful interference to other systems. However, this monitoring requirement does not apply if the conditions in paragraph (b)(1) or (b)(2) of this section, are met..." At the time of the investigation, the agent monitored 463.625 MHz, associated with WPMM833, and observed that this operation did not employ a level of monitoring sufficient to avoid causing harmful interference to other systems.

¹ 47 C.F.R. § 1.89.

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3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Peak Wireless must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of Peak Wireless. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Denver District Office
215 S. Wadsworth Blvd., Suite 303
Lakewood, CO 80226

4. This Notice shall be sent to Peak Wireless Services, LLC, at its address of record.

5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Nikki P. Shears
District Director
Denver District Office
Western Region
Enforcement Bureau

² 47 U.S.C. § 308(b).

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*